

REMARKS

Amendments

Claims 1-11 are cancelled by the present amendment.

New claims 32-36 are presented. New independent claim 32 corresponds to original claim 10, written in independent form, and claims 33-36 are dependent claims. The claim language has been altered to more distinctly point out and describe the compounds of the invention. Support for claims 34 and 35 is found on page 15, line 14 of the specification.

Upon entry of the amendments, claims 32-36 will be pending.

Applicants reserve the right to pursue the subject matter of all cancelled claims in continuing or divisional applications.

Claim Objections

The Examiner objected to claims 8-11 as being in improper dependent form, for not limiting but rather expanding the scope of the claims from which they were dependent. The present amendment provides claim 10 in independent form, with all other claims properly dependent. Withdrawal of the objection is accordingly requested.

Double Patenting

The Examiner has provisionally issued an obviousness-type double patenting rejection over co-pending U.S. Patent Application No. 10/542,235 (the '235 application). The present invention was made prior to the invention disclosed in the '235 application, and Applicants consider the invention of the '235 to be non-obvious over the present application. Terminal disclaimers will be generated in the course of the prosecution of the '235 application, should they be finally held necessary.

Claim rejections under 35 USC §112

Claims 8-10 were rejected under 35 USC §112, on the grounds that the expression "moiety preferentially cleaved from the compound in a target cell or organ" is indefinite. Applicants respectfully traverse, but in order to expedite prosecution this expression has been omitted from the newly presented claims. Claim 32 recites specific groups R that are specifically cleaved.

Claims 1-3 were rejected under 35 USC §102 as being anticipated. Claims 1-3 are cancelled by the present amendments.

Claims 8 and 11 were rejected under 35 USC §102(a) as being anticipated by LaColla et al., U.S. Patent No. 6,812,2019. Applicants respectfully point out that none of the

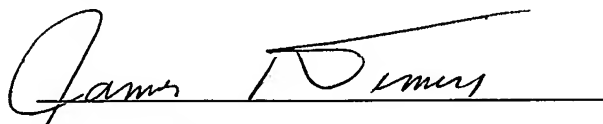
compounds prepared by LaColla et al. carry a hydrazine substituent on the purine or pyrimidine base, whereas the compounds of the claims as presently amended are all hydrazines. In view of the amendment, withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicants believe that all concerns of the examiner have been addressed, and that the claims are in condition for allowance. The Examiner is invited to call Applicants' undersigned agent if there are remaining issues that might be resolved by a telephone interview.

Respectfully submitted,

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